



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: May 21, 2014

Sponsored by Council Members: Berg, Mihalko, Papastrat, Matzo, Motsavage

Introduced by Committee: Planning and Community Development

ORDINANCE

*entitled*

AN ORDINANCE AUTHORIZING PARK  
OUTDOOR ADVERTISING OF NEW YORK,  
INC. TO INSTALL BILLBOARDS AT 117 N.  
GRISWOLD STREET

WHEREAS, pursuant to the Code of the City of Binghamton § 410-62, *Signs specifically prohibited in all districts; signs allowed by permit only*, all advertising signs installed within the City of Binghamton must first be approved by City Council before permit approval; and

WHEREAS, Park Outdoor Advertising of New York, Inc. ("Park Outdoor") has requested approval to install one (1) double sided, 14 foot by 48 foot, 75 foot tall off-premises advertising sign (billboard sign) at 117 N. Griswold Street (Tax Parcel No. 144.68-2-1), in accordance with the attached proposal setting forth the location, size, and elevation of the proposed billboard sign; and

WHEREAS, the Council of the City of Binghamton wishes to approve the attached proposal, subject to the conditions as set forth below.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. Pursuant to the Code of the City of Binghamton § 410-62, *Signs specifically prohibited in all districts; signs allowed by permit only*, the Council of the City of Binghamton does hereby approve Park Outdoor's attached proposal for the installation of one (1) double sided, 14 foot by 48 foot, 75 foot tall off-premises advertising sign (billboard sign) at 117 N. Griswold Street (Tax Parcel No. 144.68-2-1); provided that prior to issuance of a building permit for the off-premises advertising sign (billboard sign) at 117 N. Griswold Street (Tax Parcel No. 144.68-2-1), Park Outdoor must (i) remove one (1) 12 foot by 25 foot double-sided free standing off premises advertising sign and associated sign structures, such as poles, braces or brackets, and lighting, located at 310 Front Street (Tax Parcel No. 144.73-1-17); (ii) provide Corporation Counsel with a lease termination agreement, acceptable to the Corporation Counsel, confirming that all off-premises advertising signs (billboard signs) attached to any structures at 310 Front Street (Tax Parcel No. 144.73-1-17) will be removed by Park Outdoor prior to demolition or the City may remove and destroy same when the building at 310 Front Street (Tax Parcel No. 144.73-1-17) is demolished; and (iii) paying to the City all lease amounts due for all

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off-premises advertising signs (billboard signs) at 310 Front Street (Tax Parcel No. 144.73-1-17) from April 11, 2013, to the date or anticipated date of removal of such billboard signs.

Section 2. That this Ordinance does not amend or relieve Park Outdoor of any prior requirement or obligation to remove billboards in the City of Binghamton.

Section 3. That this Ordinance shall take effect immediately.

I hereby certify the above to be a true copy  
of the legislation adopted by the Council  
of the City of Binghamton at a meeting  
held on 5/21/14. Approved by the  
Mayor on 5/22/14.



Introductory No. O14-24

Permanent No. O14-023

Sponsored by City Council Members:  
Berg, Mihalko, Papastrat, Matzo , Motsavage

AN ORDINANCE AUTHORIZING PARK  
OUTDOOR ADVERTISING OF NEW YORK, INC.  
TO INSTALL BILLBOARDS AT 117 N.  
GRISWOLD STREET

The within Ordinance was adopted by the Council of  
the City of Binghamton.

Date MAY 21, 2014  
Angela Helmer  
City Clerk

Date Presented to Mayor MAY 22, 2014

Date Approved 5/22/14  
Michael L. Smith  
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia		✓		
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	6	1	0	0

☐ Code of the City of Binghamton

☒ Adopted    ☐ Defeated

6 Ayes   1 Nays   0 Abstain   0 Absent



Email: paul.simonet@parkoutdoor.com

7. Engineer/Architect: Selective Structures / Effective Engineering Solutions LTD

Address: 61 White Water Court New Lenox IL 60451

Telephone: (815) 485-1470 (Street) (City) (State) (Zip)

Email: nbunch@selectivestructures.com

8. Attorney: Hugh Leonard

Address: 84 Court St. #402 Binghamton NY 13901

Telephone: (607) 772-9262 (Street) (City) (State) (Zip)

Email: hleonard@lclawoffice.com

9. Please provide a description of the project:

We would like to erect a double sided "V-shaped" billboard that would read to I-81/Rte 17 traffic.  
The sign structure would be an overall height of approximately 75 feet.

10. For commercial establishments, please complete the following:

	<u>Existing</u>	<u>Proposed</u>
a) Number of customers per day:	_____	_____
b) Number of employees:	_____	_____
c) Hours of operation:	_____	_____
d) Days of operation:	_____	_____
e) Hours of deliveries:	_____	_____
f) Frequency of deliveries (check one):		
	<input type="checkbox"/> Less than once a month	<input type="checkbox"/> Monthly
	<input type="checkbox"/> Biweekly	<input type="checkbox"/> Weekly
	<input type="checkbox"/> Several times a week	<input type="checkbox"/> Daily

11. Is the site currently serviced by water, sanitary, and storm sewer lines? Yes ☐ No ☐ N/A

If serviced, are the lines large enough to accommodate the water and sewer needs of your proposed use?  
Yes ☐ No ☐

If water and sewer lines are not present, how will they be provided?

12. Is the site within the 100-year floodplain? Yes ☐ No ☒  
If yes, a floodplain development permit is required.

13. Is the site within a Historic District? Yes ☐ No ☒  
If yes, design review from the Commission on Architecture and Design is required.



14. Is the site within the boundaries of the Local Waterfront Revitalization Program? Yes ☐ No ☒  
If yes, Waterfront Advisory Committee Review is required.

15. Involved and Interested Agencies: Other than the Building & Construction Department of the City of Binghamton, list all other agencies from which a permit or approval will be required for this project:

xx City Council (specify \_\_\_\_\_)  
\_\_\_\_ Broome County (specify \_\_\_\_\_)  
\_\_\_\_ NYS Department of Environmental Conservation (specify \_\_\_\_\_)  
xx NYS Department of Transportation (specify \_\_\_\_\_)  
\_\_\_\_ CAUD (specify \_\_\_\_\_)  
\_\_\_\_ Other (specify \_\_\_\_\_)

Please complete the following questions if you are applying for an area variance:

16. Please describe how the proposed project will positively impact the character of the neighborhood and why it will not be a detriment to nearby properties.

17. Please describe why the proposed project cannot be achieved without an area variance(s).

18. Please describe why you feel the proposed project is not substantial in nature.

19. Please describe any changes to the physical or environmental conditions in the neighborhood which may result from the proposed project.

Please complete the following questions if you are applying for a use variance:

20. Please answer the following questions to show that the current property owner is being deprived of all economic use or benefit from the property in question under the applicable zoning regulations. The deprivation must be established by competent financial evidence.

- a) Estimated cost of the proposed improvements/alterations to the property that necessitates the variance(s)? \$ \_\_\_\_\_
- b) How was this estimate determined? \_\_\_\_\_
- c) When was the property purchased? \_\_\_\_\_
- d) What was the purchase price for the property? \_\_\_\_\_
- e) What is the present value of the property? If a professional appraisal has been done of the property, what is the appraised value? \_\_\_\_\_
- f) What are the monthly/annual expenses for the property?
1. Monthly mortgage: \$ \_\_\_\_\_
  2. Monthly heat/electric: \$ \_\_\_\_\_
  3. Monthly sewer/water: \$ \_\_\_\_\_
  4. Yearly taxes: \$ \_\_\_\_\_
  5. Yearly insurance: \$ \_\_\_\_\_
  6. Other: \$ \_\_\_\_\_
- g) Amount of outstanding debts against the property per month? \$ \_\_\_\_\_
- h) How much income is generated from the property per month: \$ \_\_\_\_\_
- i) What is the nature of this income (rent, sales, etc.)? \_\_\_\_\_
- j) Is your property currently for sale?
- Yes ☐ No ☐ (If No, please continue with question k)
1. How long has the property been for sale? \_\_\_\_\_
  2. How has it been advertised? \_\_\_\_\_
  3. How many offers have been made for the property and for how much? \_\_\_\_\_
  4. Is the property listed with a realtor? Yes ☐ No ☐  
If Yes, please name the realtor: \_\_\_\_\_
- k) Have you previously tried to sell your property? Yes ☐ No ☐ (If No, please continue with question l)
1. How much were you asking for the property? \_\_\_\_\_
  2. How long was the property for sale? \_\_\_\_\_
  3. How was it advertised? \_\_\_\_\_
  4. How many offers were made for the property and for how much? \_\_\_\_\_
  5. Was the property listed with a realtor? Yes ☐ No ☐  
If Yes, please name the realtor: \_\_\_\_\_

- l) Explain how you would be negatively affected in an economic or financial way if you did not obtain the variances requested. *Please do not comment on your personal financial situation*, such as "I am on a small pension and need additional income" or "I am unemployed." Your answer must address economic circumstances in relation to the property and its present inability to provide you with a reasonable financial return under the present zoning regulations.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

21. Please describe how the alleged hardship is unique to the property in question and does not apply to a substantial portion of the district or neighborhood.

22. Please describe how the proposed use would be compatible with the existing neighborhood and would not negatively impact traffic patterns, general safety, architectural character, property values, and the atmosphere of the area.

Please complete the following sections for area and use variances:

23. Did you do something to your property to cause the need for this variance (i.e. previous activities such as grading, excavation, additions, or improvements)?

24. Why can't the location, dimensions, or other size factors be reduced or modified to minimize the variance(s) requested?

Please complete the following sections for expansion of non-conforming uses:

25. Please explain why a "hardship and injustice" will occur if permission is not granted to alter, enlarge, reconstruct, move, or replace the non-conforming use.

26. Please describe how the proposed alteration, enlargement, reconstruction, moving, or replacement of the non-conforming use would be compatible with the existing neighborhood and why it would not substantially reduce neighboring property values or otherwise substantially alter the character of the neighborhood.



By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the variance(s). I/we also give the Planning Department staff, ZBA members, and Planning Commission Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

Date: \_\_\_\_\_

Applicant's Signature

Date: \_\_\_\_\_

Property Owner's Signature (if different than Applicant)

**For Staff Use Only—Do Not Complete**

1) Is the site located in the 100-year floodplain? Yes ☐ No ☐

2) Is the property for which the variance is requested within 500 feet of any of the following?

Yes No If Yes, describe

Boundary line of the City of Binghamton ☐ ☐ \_\_\_\_\_

Boundary line of any existing or proposed County or State park or recreation area ☐ ☐ \_\_\_\_\_

Right-of-way of any existing or proposed County or State roadway ☐ ☐ \_\_\_\_\_

County-owned stream or drainage channel ☐ ☐ \_\_\_\_\_

State or County-owned land on which a public building or institution is located ☐ ☐ \_\_\_\_\_

If the project is within 500 feet of any of the above, review of the proposal by the Broome County Department of Planning and Economic Development is required under Sections 239 L & M of the New York State General Municipal Law.



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David

## Memorandum

**TO:** City Council Members  
**FROM:** Planning, Housing and Community Development  
**DATE:** March 11, 2014  
**RE:** 117 N. Griswold Street, Off-Premise Advertising Sign ("Billboard")

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### SUMMARY OF PROPOSAL

Park Outdoor Advertising (POA) has submitted a proposal to erect one off-premise advertising sign, commonly known as billboards, at the above referenced site. The 75-foot tall sign would contain two 14- by 48-foot (672 square foot) sign faces oriented toward, and primarily viewable from, Interstate 81 and the entry and exit ramps onto the Brandywine Highway (see enclosed photo simulation). The proposed new sign totals 1,344 square feet. Off-premise advertising signs are generally prohibited within the City of Binghamton, except upon a permit issued by the City Council.

### PLANNING COMMISSION'S RECOMMENDATION

Pursuant to the City of Binghamton Sign Regulations, the applicant was first required to submit the proposal to the Planning Commission for their review and recommendation to the City Council. On March 3, 2014, The Planning Commission reviewed POA's request and voted 6-1 to recommend that the City Council **DENY** the proposal. **The Commission further moved that in the event that Council approves this proposal Park Outdoor America must remove two (2) square feet of sign area within the Binghamton city limits for every one (1) square feet of sign area created as a result of this proposal.**

In recommending denial the Planning Commission considered the following criteria:

- (a) Whether the proposed sign will have a substantial or undue adverse effect upon adjacent properties, the character of the neighborhood, traffic safety, and other matters affecting the public health, safety and general welfare.
- (b) Whether the proposed sign will be constructed or arranged so as not to dominate the immediate vicinity or interfere with the development or use of neighboring property.
- (c) Whether the proposed design will result in the destruction, loss or damage of any natural, scenic or historic features of significant importance.

- (d) Whether the proposed design will be compatible with the physical environment and aesthetically harmonious with the surrounding area.
- (e) Whether the proposed location and placement of the sign will create any traffic or safety hazards.
- (f) Whether the placement of the sign is necessary or desirable to provide a service which is in the interest of public convenience or which contributes to the general welfare of the community.

Based upon the above criteria, the Commission found the following:

1. That the applicant's proposal does not provide any discernible benefit to the City of Binghamton;
2. That the applicant's proposal would negatively impact the physical environment and contribute negatively to the aesthetic of the surrounding area;
3. That the applicant has provided no compelling evidence that the proposed billboards are necessary or desirable or providing a public convenience.

If Council requires the removal of signs pursuant to the Commission's recommend it is suggested that the locations of signs to be removed be negotiated by City Council and Park Outdoor and approved by Council. In addition, signs that are agreed upon for removal should be removed prior to the issuance of a permit for the proposed sign.

## **BROOME COUNTY'S RECOMMENDATION**

Pursuant to Section 239 –l and –m of the General Municipal Law, the proposal was also reviewed by Broome County Department of Planning and Economic Development. The County found that permitting these signs would be contrary to the recently adopted Broome County Comprehensive Plan, to the vision statement for the Brandywine Corridor, would add to sign clutter and would adversely affect community character. Therefore, Broome County has recommended **DENIAL** of the proposal. Please see enclosed letter dated March 3, 2014.

**Under Municipal Law 239, the County's denial of the project can only be overridden with a majority plus one vote of the full City Council. A simple majority vote by the Council would be required to deny the project.**

As part of the 239 review Broome County forwarded the proposal to New York Department of Transportation (DOT). Please see enclosed letter dated February 21, 2014.

## **CITY COUNCIL ACTION**

Within 30 days, or such longer period as may be agreed upon by the applicant, of receipt and review of the written recommendation of the Planning Commission, the Common Council shall either deny the permit or, by duly adopted ordinance, approve the permit, with or without modifications to be accepted by the applicant as a condition of such approval. Per the Sign Regulations, **inaction by the City Council within the aforementioned time period shall be deemed a final denial of the permit.**



# Site Plan Title Page

Project Title:	Griswold Street Sign Application
Street Address:	117 N. Griswold Street
Tax ID Number:	144.68-2-1
Property Owner Information	The New York Susquehanna Railway Corp. 1 Railroad Ave. Cooperstown, NY 13326  Telephone Number: (607) 547-2555
Applicant Information	Park Outdoor Advertising 11 Ascot Place P.O. Box 4680 Ithaca, NY 14852-4680  Telephone number: (607) 257-1477
Plan Preparer:	Paul Simonet 11 Ascot Place P.O. Box 4680 Ithaca, NY 14852-4680  Telephone number: (607) 592-1150 (cell)
Revision Date:	February 5, 2014

# Property Information

Selected Records - (Range 1 to 25)

**Main Record****LANDMAX**DATA UPDATESNEW SEARCH  
NEW COUNTYUser Specific Notes - View / AddSingle Page PrintPDF File**Mapping Available:** View Tax Map Aerial Steet Map NYS GIS FLOOD Map**General Property Description**

Prop. Address: 117 N GRISWOLD ST      Municipality: CITY of BINGHAMTON      Town Swis Code: 030200 / BROOME COUNTY

THE NY  
Owner: SUSQUEHANNA RLWY CORP      Tax / Map Acct#: 144.068-0002-001.0000000      School Dist: BINGMTNC

Owner 2: RAILWAY CORP      Print Key: 144.68-2-1      School Code: 030200

Owner Mailing: 1 RAILROAD AVE      Deed Book / Page: 2044 / 331      Census Tract

COOPERSTOWN, NY13326      Sub Div:      PHONE

Demographics:

Misc:

**Radius Search:** 1/8 1/4 1/2 1 Mile 2 Mile

**Structural Characteristics**

Bldg Sq Feet: 0	Built: 0	Uses As 1: AGRICULTURAL
1st Floor: 0	Story Height: 0	Uses As 2: AGRICULTURAL
2nd Floor: 0	Heat:	No. Of Bldgs: 0
House Type:	Fireplaces: 0	Residential Units: 0
Bedrooms: 0.0	Fuel:	Exterior:
Bath: 0.0	Water: PUBLIC	Garage: 0
Basement:	Sewer: PUBLIC	Number Stories: 0.0
Basement SF: 0	Utilities: GAS & ELEC	Central Air: NO
Improve 1 / YR:	Size 1: 0 X 0	Total SqFT 1: 0
Improve 2 / YR:	Size 2: 0 X 0	Total SqFT 2: 0
Improve 3 / YR:	Size 3: 0 X 0	Total SqFT 3: 0
Improve 4 / YR:	Size 4: 0 X 0	Total SqFT 4: 0

**Land Characteristics**

Acreage : 2.43      Land SqFt: 105851

Zoned / Use Code: 330      Class Name: COML VACANT      Lot Size: 0 X 0

East / Longitude: 1007344 / -75.8936115      North / Latitude 770950 / 42.113997

**Tax / Assessment Data**

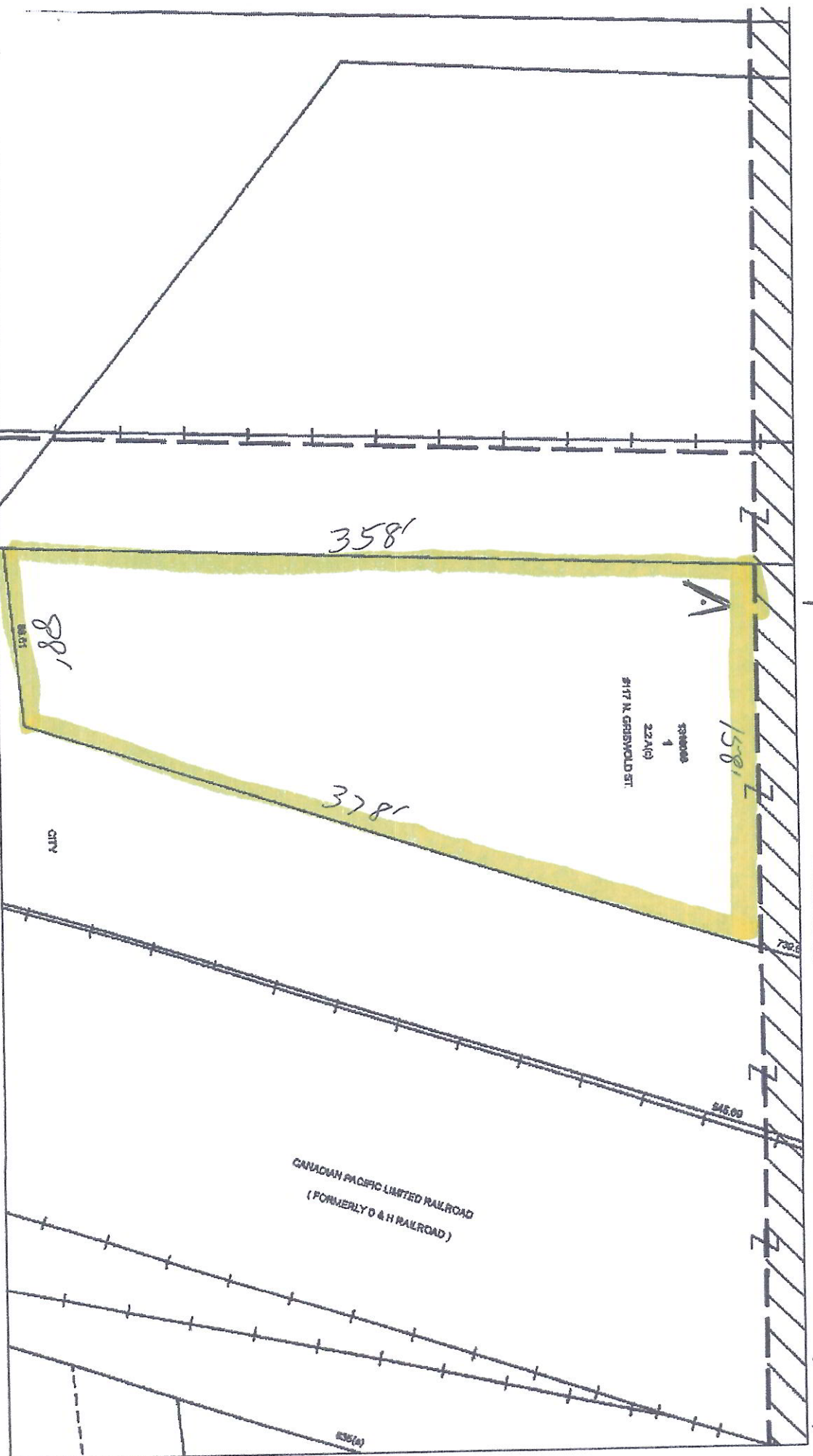
Tax / Map Acct #: 144.068-0002-001.0000000	School Tax: \$258.21-Actual
Total Assessment: \$7,000.00	County Tax: \$344.19 Actual
Land: \$7,000.00	City Tax: \$0.00
Old Assessment: \$7,000.00	Account #: 1306590
Assessor Full Market Value: \$8,434.00	

## Set Back Requirements

To Be OBSERVED

(Five ft from any property line)

Exceeds  
500' from next sign →





# Broome County Basic Parcel Viewer



February 4, 2014

Sources: Esri, DeLorme, HERE, TomTom, Intermap, increment P Corp.,  
GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL,

Broome County GIS and Mapping Services | [www.bcgis.com](http://www.bcgis.com)



# I-81 Before



# I-81 After





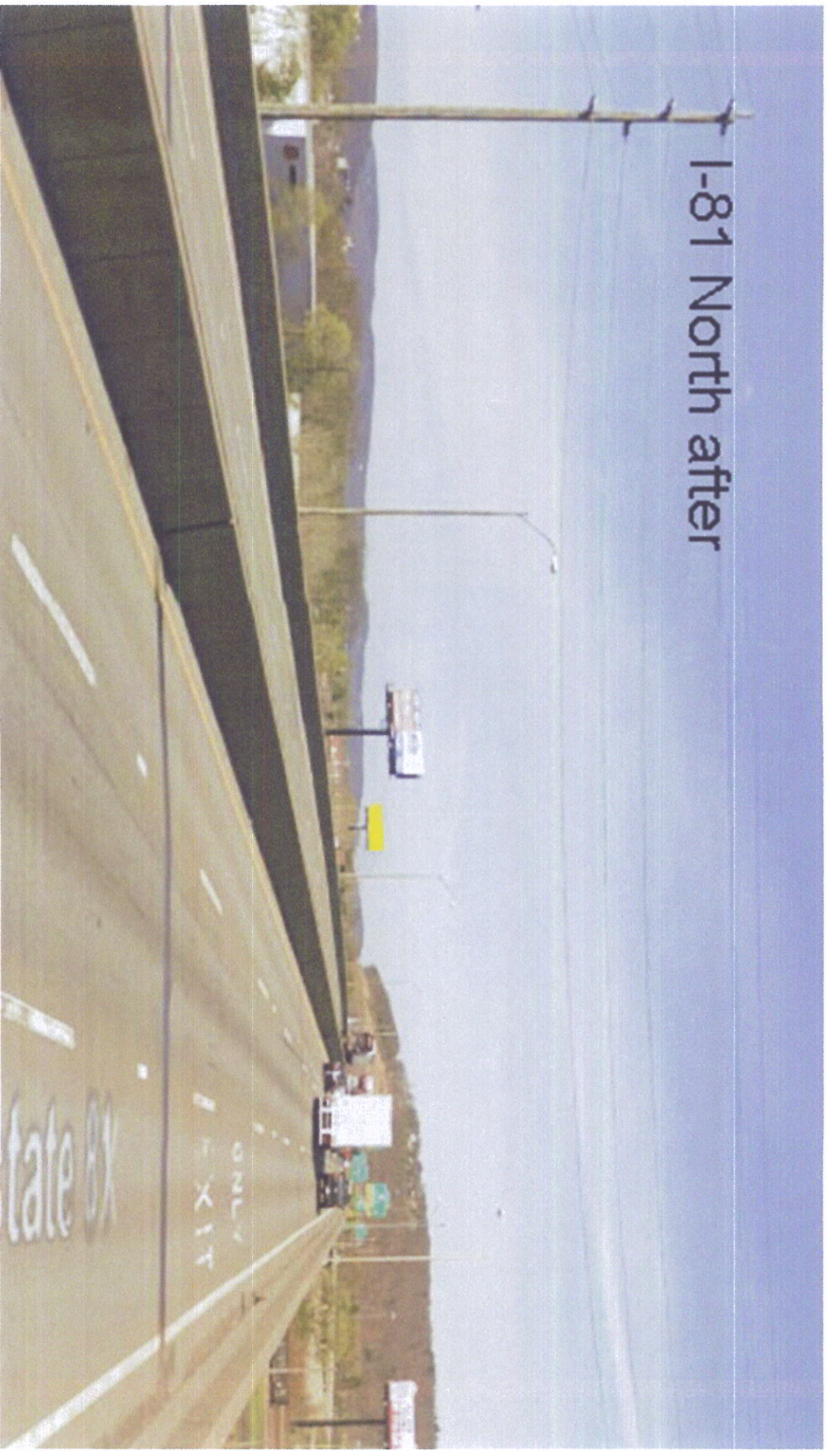
I-81 North before



(Zoomed In)



I-81 North after



(Zoomed IN)



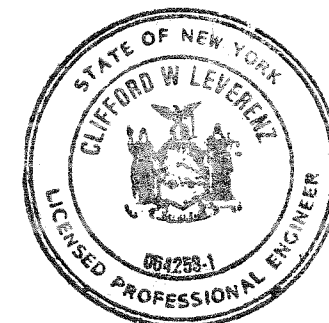
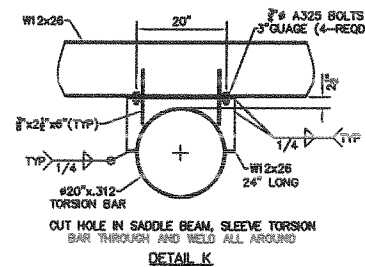
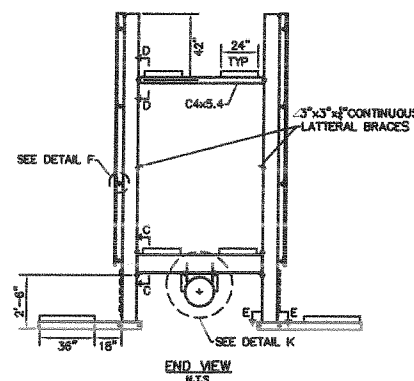
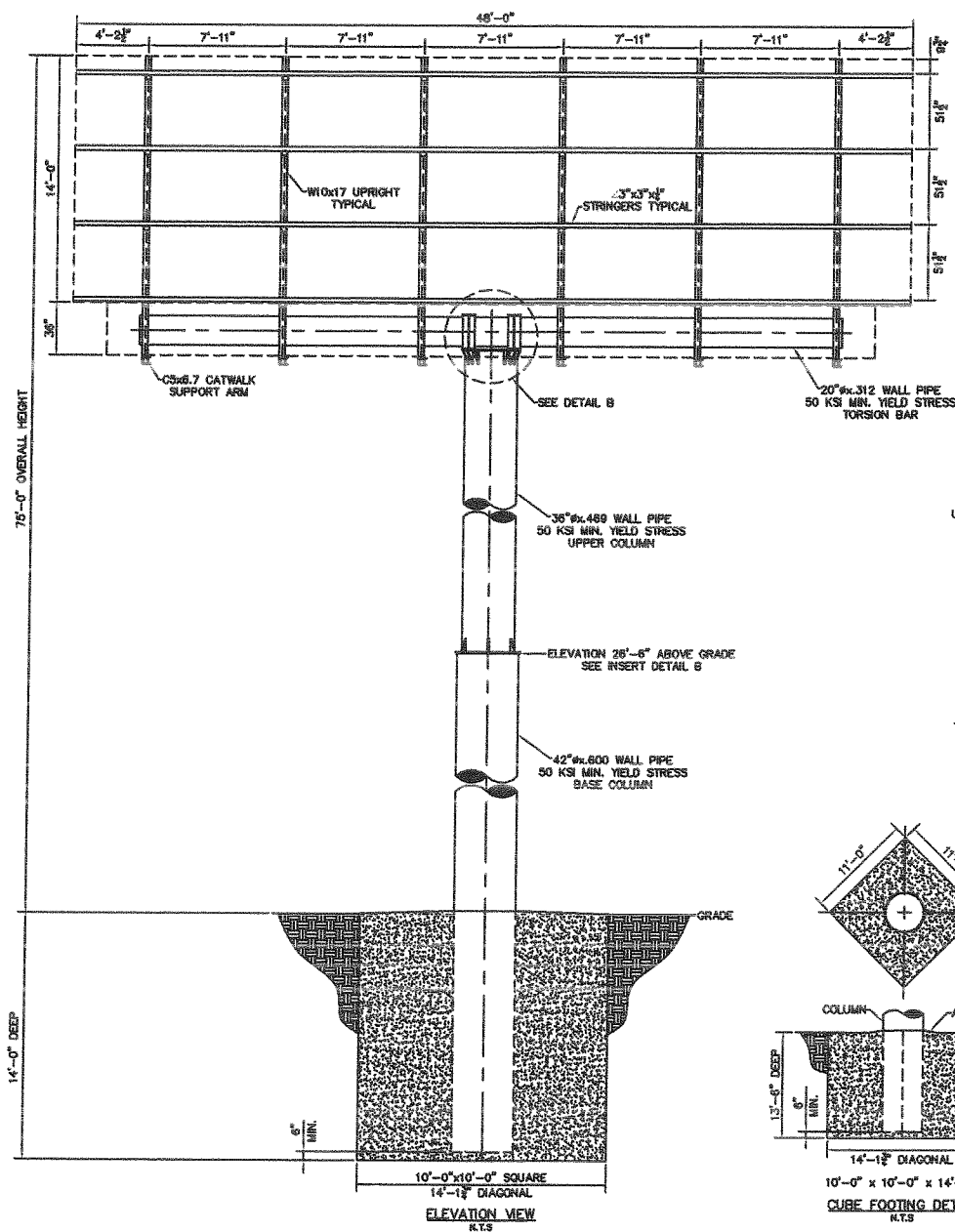
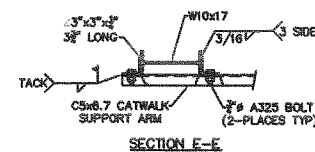
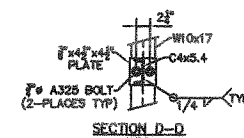
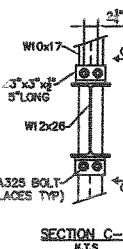
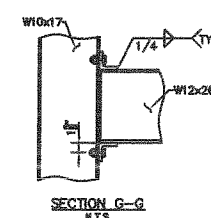
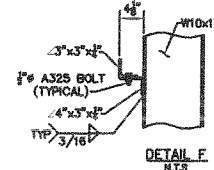
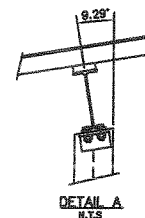
NOTE: 24" UPPER & LOWER INSIDE CATWALKS NOT SHOWN FOR CLARITY.

36" CATWALKS

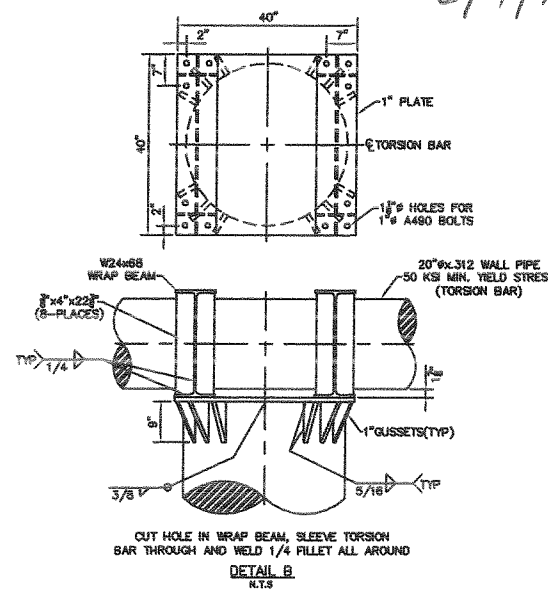
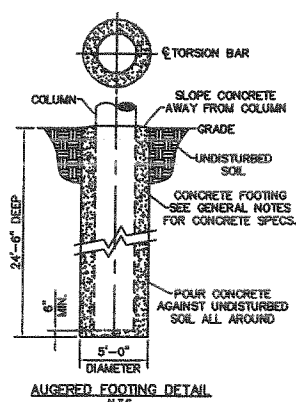
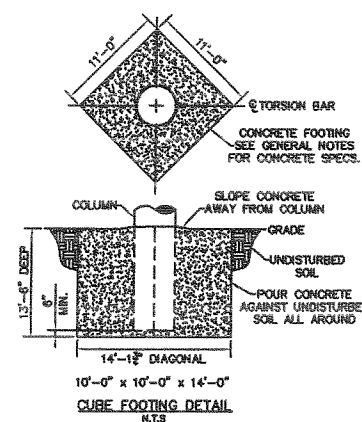
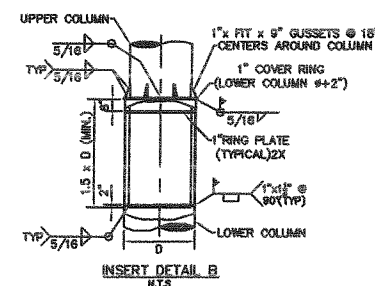
4'-8"

SEE DETAIL A

PLAN VIEW  
K.T.S.



diffw  
2/4/14

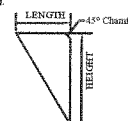


811 East Avenue  
Athens, TN 37303

- 1) IMPORTANT FULL FLAG COLUMN PIPE TO BE BACK SET "X" PER FOOT, IN THE DIRECTION AWAY FROM THE FLAG, TO CORRECT DEAD/ADG DEFLECTION.
- 2) PROVIDE "K" CAP PLATES FOR ENDS OF TORSION PIPE. PLATE TO BE WELDED, ALL AROUND, TO PIPE.
- 3) FOUNDATION TO BE ON SOIL CONDITIONS OF COMPACT FINE SAND OR BETTER. (allowable soil pressure  $\geq 50$  psf. of depth). CONTRACTOR TO NOTIFY ENGINEER IF OTHER THAN THESE SOIL CONDITIONS EXIST.
- 4) ATTACH CATWALK ANGLES USING "X" Ø A-325 BOLT (1" ANGLE).
- 5) CATWALK GRATING TO BE 3/4" X 3/4" EXPANDED METAL GRATING WELDED WITH "K" FILLET, 1" LONG @ 12" C/C TO ANGLE.
- 6) ALL BOLTS TO BE TIGHT TO CLOSE TO HOLE AS POSSIBLE ALL OWING FOR BOLT TIGHTENING.

(Use this criteria for all gussets)

- Length & height of gussets to be determined by fabricator if not specified. Use maximum length & height possible & still allow for welding all around.
- depth of 45° chamfer to be minimum required to clear weld or fillet.



- All nuts and bolts are to be zinc plated. (Except A-490 bolts which are not to be plated, but primed and painted after installation)
- The Contractor shall verify all dimensions and conditions in the field before fabrication or construction, and notify engineer of any discrepancies.
- Any deviations from this print must be approved by Engineer.
- All structural steel shall conform to the requirements of ASTM A-36.
- (Except structural tubing, which shall conform to A-500 grade B).
- All welding shall be in accordance with AWS A5.1-A5.7-A5.8.
- All steel pipe shall conform to the requirements of ASTM A-53 Grade B or A-252 Grade 2, unless otherwise noted.
- Concrete shall attain a minimum compressive strength of  $f_c = 3000$  psi in 28 days, unless otherwise noted.
- All structural steel shall be produced, fabricated, and erected according to latest AISC Specifications and Standard Practice.
- All welding shall be in accordance with AWS A5 Standards. Welding to be performed by certified welders using E-70 electrodes.
- Contractor to ensure that all work is performed in accordance with federal, state, and local codes & ordinances; and OSHA safety regulations.
- Splicing of pipes having an equal diameter, shall be used and is permitted. A full penetration weld all around (Per AWS D1.1) shall be welded and must be performed by a certified welder. Splice shall not be within one half the foundation diameter below grade nor within one grade or within 10' above the foundation splice. Unless specified otherwise.

THE UNDER SIGNED ENGINEER WILL NOT SUPERVISE THE  
FABRICATION AND/OR ERECTION OF THIS STRUCTURE.

APPLICABLE BUILDING CODE AND WIND SPEED:

*International Building Code (2006/09 Edition)*  
*(90 mph Exposure-C) 3-Second Gusts*

**PROJECT**

14'-0" x 48'-0" CM, 20'V @ 75'-0" O.A.H.

Located in: Binghamton, NY



Effective Engineering Solutions, Ltd.  
61 White Water Court  
New Lenox, IL 60451  
(815) 485-1470

**AFFIX SEAL**

THIS PRINT CONTAINS PROPRIETARY INFORMATION AND SHALL NOT BE USED, REPRODUCED, OR ITS CONTENTS DISCLOSED, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT FROM

Effective Engineering  
Solutions, Ltd.

REVISIONS

DRAWN BY:	TGS
DATE DRAWN:	01-23-14
SCALE:	N/A
SELECTIVE #:	Permitt
DRAWING #:	SS-5464
SHEET #:	1 OF 1



